

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawaii 96813

July 22, 2011

Board of Land  
and Natural Resources  
Honolulu, Hawaii

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National  
Monument Education Permit to Oscar Valenzuela, Hawaii News Now, for Access to State  
Waters to Conduct Filming Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument education permit to Oscar Valenzuela, Hawaii News Now, pursuant to § 187A-6, Hawaii Revised Statutes (HRS), chapter 13-60.5, Hawaii Administrative Rules (HAR), and all other applicable laws and regulations.

The education permit, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Nihoa Island
- Necker Island
- French Frigate Shoals
- Gardner Pinnacles
- Maro Reef
- Laysan Island
- Lisianski Island
- Pearl and Hermes Atoll
- Kure Atoll

The activities covered under this permit would occur between August 1, 2011 and September 30, 2011.

The proposed activities are a renewal of work previously permitted and conducted in the Monument.

### INTENDED ACTIVITIES

The Applicant proposes to increase knowledge and understanding of Papahānaumokuākea Marine National Monument through a series of news features and a ½ hour special produced by Hawaii News Now (television stations, KGMB, KHNL, KFVE). These features would help bring attention to the 10<sup>th</sup> anniversary of the Northwestern Hawaiian Island Coral Ecosystem Reserve as a protection designation milestone for the Monument and reach households across the State of Hawaii. In order to produce the featured programming, the Applicant requests to film field research activities within the Monument.

The proposed activities would enhance and expand coverage and appreciation of the Monument in the state of Hawaii. The residents of Hawaii are most closely connected to the Monument and the Northwestern Hawaiian Islands both culturally and naturally, yet common knowledge of the Monument in its 5<sup>th</sup> year since inception is not as broad as it should be. Utilizing mass media (Hawaii's largest and furthest reaching broadcast news organization) should help inform and educate thousands of residents about the existence of the Monument, its importance, and the reasons why protecting it are so important.

The following topics are likely to be highlighted: The history and designation of Papahānaumokuākea Marine National Monument ; Midway Atoll as the world's largest tropical seabird rookery; Maritime heritage monitoring as well as documentation of other active projects as part of the research cruise.

The photographer/reporter would be instructed to closely follow all instructions regarding safety, appropriateness, cultural sensitivity and photographic restrictions. All raw video, as per Monument policy, would be available post-cruise for internal, non-commercial use by the Monument Co-Trustee agencies.

The activities proposed by the applicant directly support the Monument Management Plan's priority management needs through action plan 3.5.2 – Constituency Building and Outreach.

The activities described above may require the following regulated activities to occur in State waters:

- ☒ Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

### REVIEW PROCESS

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since

March 10th, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

**Comments received from the scientific community are summarized as follows:**

Scientific reviews support the acceptance of this application. The following question was raised during the review process.

*1. What stories will the applicant focus on the significance of the Monument to Native Hawaiians?*

The coverage of the Monument as a whole would indeed include the Hawaiian cultural angles. The Applicant proposes to integrate the Native Hawaiian historical significance contained within each story. For example he would describe the scientific importance of the land and ocean Eco-systems and also the important facets this system played in the foundation of Hawaiian culture.

**Comments received from the Native Hawaiian community are summarized as follows:**

Cultural reviews support the acceptance of this application.

**Comments received from the public are summarized as follows:**

No comments were received from the public on this application.

**Additional reviews and permit history:**

Are there other relevant/necessary permits or environmental reviews that have or will be issued with regard to this project? (e.g. MMPA, ESA, EA)      Yes ☒      No ☐

If so, please list or explain:

- The proposed activities are in compliance with the National Environmental Policy Act.
- The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment ("DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAHA NAUMOKU AKEA MARINE NATIONAL MONUMENT EDUCATION PERMIT TO OSCAR VALENZUELA, HAWAII NEWS NOW, FOR ACCESS TO STATE WATERS TO CONDUCT FILMING ACTIVITIES UNDER PERMIT PMNM-2011-019")

Has Applicant been granted a permit from the State in the past? Yes ☐ No ☒

If so, please summarize past permits:

The Applicant was included in a permit for similar activities in 2010 (PMNM-2010-041)

Have there been any a) violations: Yes ☐ No ☒  
 b) Late/incomplete post-activity reports: Yes ☐ No ☒

Are there any other relevant concerns from previous permits? Yes ☐ No ☒

### STAFF OPINION

DAR staff is of the opinion that Applicant has properly demonstrated valid justifications for his application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with certain special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Education Permit General Conditions. All suggested special conditions have been vetted through the legal counsel of the Co-Trustee agencies (see Recommendation section).

### MONUMENT MANAGEMENT BOARD OPINION

The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by DAR staff.


### RECOMMENDATION

Based on the attached proposed declaration of exemption prepared by the department after consultation with and advice of those having jurisdiction and expertise for the proposed permit actions:

1. That the Board declare that the actions which are anticipated to be undertaken under this permit will have little or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Upon the finding and adoption of the department's analysis by the Board, that the Board delegate and authorize the Chairperson to sign the declaration of exemption for purposes of recordkeeping requirements of chapter 343, HRS, and chapter 11-200, HAR.
3. That the Board authorize and approve an Education Permit to Oscar Valenzuela, Hawaii News Now, with the following special conditions:
  1. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to this permit.
  2. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.

3. Refueling of tenders and all small vessels must be done at the support ships and outside the confines of lagoons or near-shore waters in the State Marine Refuge.
4. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.

Respectfully submitted,

  
for Administrator

APPROVED FOR SUBMITTAL



William J. Aila, Jr.  
Chairperson

**Papahānaumokuākea Marine National Monument**  
EDUCATION Permit Application

**NOTE:** *This Permit Application (and associated Instructions) are to propose activities to be conducted in the Papahānaumokuākea Marine National Monument. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, provide all information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Papahānaumokuākea Marine National Monument (Monument).*

**ADDITIONAL IMPORTANT INFORMATION:**

- Any or all of the information within this application may be posted to the Monument website informing the public on projects proposed to occur in the Monument.
- In addition to the permit application, the Applicant must either download the Monument Compliance Information Sheet from the Monument website OR request a hard copy from the Monument Permit Coordinator (contact information below). The Monument Compliance Information Sheet must be submitted to the Monument Permit Coordinator after initial application consultation.
- Issuance of a Monument permit is dependent upon the completion and review of the application and Compliance Information Sheet.

**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

Send Permit Applications to:

Papahānaumokuākea Marine National Monument Permit Coordinator

6600 Kalaniana'ole Hwy. # 300

Honolulu, HI 96825

[nwhipermit@noaa.gov](mailto:nwhipermit@noaa.gov)

PHONE: (808) 397-2660 FAX: (808) 397-2662

**SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. FOR ADDITIONAL SUBMITTAL INSTRUCTIONS, SEE THE LAST PAGE.**

## **Papahānaumokuākea Marine National Monument Permit Application Cover Sheet**

This Permit Application Cover Sheet is intended to provide summary information and status to the public on permit applications for activities proposed to be conducted in the Papahānaumokuākea Marine National Monument. While a permit application has been received, it has not been fully reviewed nor approved by the Monument Management Board to date. The Monument permit process also ensures that all environmental reviews are conducted prior to the issuance of a Monument permit.

### **Summary Information**

**Applicant Name:** Oscar Valenzuela

**Affiliation:** KGMB/KHNL/KFVE-TV (dba Hawaii News Now)

**Permit Category:** Education

**Proposed Activity Dates:** August-Sept. 2011

**Proposed Method of Entry (Vessel/Plane):** NOAA Ship Hi'ialakai

**Proposed Locations:** All points during the proposed activity dates

**Estimated number of individuals (including Applicant) to be covered under this permit:** 1

**Estimated number of days in the Monument:** 10

**Description of proposed activities:** (complete these sentences):

a.) The proposed activity would...

Increase knowledge of and appreciation of Papahānaumokuākea Marine National Monument by way of a series of news features and a 1/2 hour special, produced by Hawaii News Now (television stations, KGMB, KHNL, KFVE). The Monument entered into an informal partnership with the television stations to help bring attention to the 10<sup>th</sup> anniversary of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve as a protection milestone for the Monument.

b.) To accomplish this activity we would ....

Send one combination reporter/photographer on at least 1/2 of a 2011 research cruise. This person will produce a series of television reports and a special 1/2 hour long documentary featuring scenes from the monument, along with research activities, interviews with scientists, researchers and other key players.

c.) This activity would help the Monument by ...

Broadening knowledge and appreciation of the monument's natural and cultural resources and heritages with the constituency in closest physical proximity to Papahānaumokuākea. Hawaii

News Now is three television stations which combined produce 40 hours of news each week. A successful partnership at this juncture could mean a more formal working arrangement in the future to help the monument spread its stories even wider.

**Other information or background:** The assigned reporter/photographer would only focus on research that has been discussed in advance and pre-approved after discussion between the PI for this permit and the principal investigator for the research cruise and/or principals designated by Monument leadership.

## **Section A - Applicant Information**

### **1. Applicant**

Name (last, first, middle initial): Oscar Valenzuela

Title: Reporter/Photographer

**1a. Intended field Principal Investigator (See instructions for more information):**  
Scott Godwin-Papahānaumokuākea Marine National Monument or Dr. Randall Kosaki-  
Papahānaumokuākea Marine National Monument

**2. Mailing address (street/P.O. box, city, state, country, zip):**

Phone:

Fax:

Email:

For students, major professor's name, telephone and email address:

**3. Affiliation (institution/agency/organization directly related to the proposed project):**  
Hawaii News Now

**4. Additional persons to be covered by permit. List all personnel roles and names (if known at time of application) here (e.g. John Doe, Teacher; Jane Doe, Videographer):**

## **Section B: Project Information**

### **5a. Project location(s):**

<input checked="" type="checkbox"/> Nihoa Island	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Necker Island (Mokumanamana)	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> French Frigate Shoals	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Gardner Pinnacles	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Maro Reef			
<input checked="" type="checkbox"/> Laysan Island	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Lisianski Island, Neva Shoal	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Pearl and Hermes Atoll	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Midway Atoll	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Kure Atoll	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Other			

### **Ocean Based**

NOTE: There is a fee schedule for people visiting Midway Atoll National Wildlife Refuge via vessel and aircraft.

Location Description:

Reporter/photographer will only perform activities agreed upon in advance with research PI's and cruise PI.

### **5b. Check all applicable regulated activities proposed to be conducted in the Monument:**

- ☐ Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving Monument resource
- ☐ Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands
- ☐ Anchoring a vessel
- ☐ Deserting a vessel aground, at anchor, or adrift
- ☐ Discharging or depositing any material or matter into the Monument
- ☐ Touching coral, living or dead
- ☐ Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- ☐ Attracting any living Monument resource
- ☐ Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- ☐ Subsistence fishing (State waters only)
- ☒ Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

**6 Purpose/Need/Scope *State purpose of proposed activities:***

To enhance and expand coverage and appreciation of the monument in the state of Hawaii. The residents of Hawaii are most closely connected to the monument and the Northwestern Hawaiian Islands both culturally and naturally, yet common knowledge of the monument in its 5<sup>th</sup> year since inception is not as broad as it should be. Utilizing mass media (Hawaii's largest and furthest reaching broadcast news organization) should help inform and educate thousands of residents about the existence of the monument, its importance and the reasons why protecting it are so important.

**7. Answer the Findings below by providing information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Monument:**

The Findings are as follows:

a. How can the activity be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument?

The permit application PI and monument staff will engage in planning meetings in advance of the cruise to ensure complete knowledge of necessary safeguards, cultural awareness and protocols.

b. How will the activity be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects?

The Monument Management Plan (CBO-2) calls for the continual development and dissemination of materials and improvement and updating of tools that help inform Monument constituencies over the life of the plan. In 2010, when this permit application was filed the Office of Hawaiian Affairs recognized the outreach value of having a local Hawaii television representative conduct news gathering activities in the Monument. In order to help ensure strong Native Hawaiian kuleana we required the newsperson to view the cultural briefing video produced by OHA and to participate in the pre-departure cultural briefing conducted for the crew of the NOAA Ship. We will require the same steps in 2011. In addition we scheduled time with PMNM staff to meet with the

reporter/photographer to discuss cultural components and the significance of Papahānaumokuākea. We would welcome a representative of OHA to participate in newly reformed meetings for this purpose in 2011. When providing the television stations with a list of story ideas or concepts we intend to include numerous stories reflecting the Native Hawaiian culture importance and aspects of the Monument, and have indicated that if parties go ashore at Nihoa and his participation is approved as part of the permit application, he would produce stories related to ancestral connections, cosmology and/or culture. This work may be supplemented with interviews with Native Hawaiian kapuna and experts upon return to O'ahu.

c. Is there a practicable alternative to conducting the activity within the Monument? If not, explain why your activities must be conducted in the Monument.

Local television stations have had no opportunity to obtain video in the Monument since its designation. While they do accept government produced video, its use is limited at best. Television stations are required by the Federal Communications Commission to note verbally and graphically when they air "hand-out" material and credit the appropriate agency or organization. Editorially most stations prefer not using these so-called video news releases (VNR), as they can convey a message that the news organization is not independently engaged in the news gathering process. This is of particular concern when it comes to government agencies, as news organizations want to maintain an arms-length relationship as the fourth estate. Additionally NOAA has not independently produced any video from the Monument in more than five years and has relied on, when permitted by copyright agreements, film/video clips produced by independent commercial production companies and film makers.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?

There are no expected adverse impacts to Monument resources, qualities or ecology. The production of a series of reports on the Monument along with a 1/2 hour special will reach constituents across the state of Hawaii. In advance of the reporter/photographers

involvement in the cruise the following steps will be taken to ensure he has a deep understanding of, appreciation for and sensitivity to cultural qualities of the Monument:

1. Viewing of Cultural Briefing DVD.
2. Question and Answer session with Monument cultural experts following viewing of DVD.
3. Required participation in pre-departure cultural briefing on the Hi'ialakai.

We feel it is imperative that the journalist has a keen understanding of culture in the Monument. At the time of application, specific story lines have not been identified, but for those that involve culture, archaeology, cosmology or ancestral relationships, Monument staff will recommend and provide contact information for kapuna willing and able to talk in-depth about specific aspects. Hawaii News Now has a history of supporting Native Hawaiian issues, as demonstrated by its daily Hawaiian language news stories on its morning news program, as well as its airing of twice monthly 1/2 hour specials produced by Paliku Documentary Films.

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.

The reporter/photographer was scheduled to fly to Midway Atoll on or about May 24, 2010 and return to O'ahu on the NOAA research vessel in 2010. This permitted activity was cancelled due to mechanical issues with the aircraft. In 2011, again depending on berthing space, logistical arrangements with NOAA ships and Midway Atoll housing, we propose placing the photographer/reporter on board the ship for two weeks (probably in transit from Honolulu to Midway or Midway back to Honolulu), and depending on flight schedules to Midway he would spend 2-3 days shooting material and gathering interviews there. This amount of time provides the opportunity to complete all of the individual story lines noted in Section 8.

f. Provide information demonstrating that you are qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

The applicant was cleared in 2010 as a NOAA observer diver, has already completed one round of cultural protocols and will again be fully briefed on all regulations to ensure understanding of the impacts of human presence in the Monument and fully appreciates

the cultural aspects of the Monument; and while the government cannot exercise editorial control over gathered material, there will be advance understanding about potential content and subject matter.

g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

PMNM has budgeted funds for the reporter/photographer's one way flight from Oahu to Midway Atoll, as well as for required living expenses associated with time on Midway.

h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.

The cruise participant will be gathering video images on land and possibly in water (successfully completed certification as a NOAA Observer Diver in 2010). The cruise principal investigator will supervise all on-land and in-water activities conducted by the Hawaii News Now representative or will designate an appropriate individual(s) to provide this oversight and supervision. The reporter/photographer will be asked to closely follow all instructions and directives to prevent any impact to Monument cultural, natural and historic resources; which may preclude videotaping of certain locales, projects, or people. The PI for this application will engage the Monument Communications team, comprised of representatives from NOAA, U.S. Fish and Wildlife Service, the State of Hawaii and Office of Hawaiian Affairs in developing specific story angles/suggestions for the television stations; with the understanding that the government cannot exercise any editorial control over ultimate news organization decisions and policies. The extent of other agency involvement will be somewhat determined by the specific locales visited by the television station representative (ie: Kure Atoll will require complete involvement of Hawaii DLNR; Midway Atoll will require complete involvement of U.S. Fish and Wildlife Service).

i. Has your vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031?

N.A.

j. Demonstrate that there are no other factors that would make the issuance of a permit for the activity inappropriate.

There are no factors that would make the issuance of a permit for the activity inappropriate.

#### **8. Procedures/Methods:**

Monument leadership will meet with the photographer/reporter and news managers from the television stations prior to the cruise to clearly outline expectations, procedures and protocols for gathering information and video during the cruise. A written plan was developed in 2010 to help guide coverage (subject to some alteration depending on weather, itinerary adjustments, etc.) and all stories involving other principal investigators will be discussed and pre-cleared with them. The photographer/reporter will be instructed to closely follow all instructions regarding safety, appropriateness, cultural sensitivity and photographic restrictions. The photographer/reporter will be asked to share daily e-mail updates to help identify any issues or problems that may occur. All raw video as per monument policy, will be available post-cruise for internal, non-commercial use by NOAA/National Ocean Service/Papahānaumokuākea Marine National Monument and other co-trustee agencies. These are the stories that Hawaii New Now agreed to produce for 2010. For 2011 angles may change based on timing, scope of research, etc.

1. What is Papahānaumokuākea Marine National Monument and how did it come about?
2. The significance of the 10th anniversary of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve as one milestone in a long history of protections for the region.
3. Midway Atoll as the world's largest tropical seabird rookery. (should still be about 1/2 million nesting albatross pairs at Midway at this time)
4. Maritime Heritage in the Monument-shipwrecks and plane crashes abound (hoping Oscar can observe a maritime heritage dive off Midway)
5. Control and study of alien species (hoping Oscar can observe an alien species research dive at Midway)
6. Shark tagging-long term study of shark movements and behaviors in the Monument
7. Corals and shipwrecks-a study of how coral (the forests of the sea) interact with shipwrecks
8. Fish connectivity-at one time Hawaii was considered to be evolutionary isolated. Studies of fish and invertebrates in the Monument have shown that Hawaii is not a sink...but a sink that periodically overflows and endemic species spread throughout the oceans
9. Coral disease research-corals are the focus of much of the work being done in the ocean related to global climate change. They are the ocean's canary in the mine.

10. NOAA Ship Hi'ialakai-this is one of 3 NOAA ships home-ported at Pearl Harbor and is a virtual floating research platform and lab.

11. Overall research program-this is the primary activity that happens in the Monument and has led to the discovery of dozens of new ocean and terrestrial species and guides overall management of the Monument.

12. Papahānaumokuākea-as a unique example of eco-system based management, as the US's largest conservation area, one of the world's top 3 marine protected areas, and in the US one of the few entities with a tripartite management regime...the challenges, opportunities and lessons learned from agencies with different cultures and different goals coming together for the good of one place.

**NOTE: If land or marine archeological activities are involved, contact the Monument Permit Coordinator at the address on the general application form before proceeding, as a customized application will be needed. For more information, contact the Monument office on the first page of this application.**

**9a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):**  
N.A.

Common name:

Scientific name:

# & size of specimens:

Collection location:

☐ Whole Organism ☐ Partial Organism

**9b. What will be done with the specimens after the project has ended?**  
N.A.

**9c. Will the organisms be kept alive after collection?** ☐ Yes ☐ No  
N.A.

• Specific site/location:

• Is it an open or closed system? ☐ Open ☐ Closed

- Is there an outfall? ☐ Yes ☐ No
- Will these organisms be housed with other organisms? If so, what are the other organisms?
- Will organisms be released?

**10. If applicable, how will the collected samples be transported out of the Monument?**  
N.A.

**11. Is your proposed activity based on a State Department of Education Standards Based Curriculum? If so, describe:**  
N.A.

**12. If applicable, describe how you are collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere?**  
N.A.

**13. What materials, products or deliverables will be developed as a result of your proposed activity? Provide a time line for write-up and publication of information or production of educational materials:**  
A series of 5-10 television feature reports and a 1/2 hour television special. Based on availability of technology, there may be some limited video transmitted from the NOAA ship as well as telephone reports.

**14. List all specialized gear and materials to be used in this activity:**  
Video camera(s)

**15. List all Hazardous Materials you propose to take to and use within the Monument:**  
N.A.

**16. Describe any fixed installations and instrumentation proposed to be set in the Monument:**  
N.A.

**17. List all Applicants' publications/references directly related to the proposed project:**  
N.A.

With knowledge of the penalties for false or incomplete statements, as provided by 18 U.S.C. 1001, and for perjury, as provided by 18 U.S.C. 1621, I hereby certify to the best of my abilities under penalty of perjury of that the information I have provided on this application form is true and correct. I agree that the Co-Trustees may post this application in its entirety on the Internet. I understand that the Co-Trustees will consider deleting all information that I have identified as "confidential" prior to posting the application.

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Signature

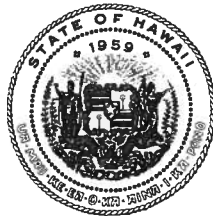
Date

**SEND ONE SIGNED APPLICATION VIA MAIL TO THE MONUMENT OFFICE  
BELOW:**

Papahānaumokuākea Marine National Monument Permit Coordinator  
6600 Kalaniana'ole Hwy. # 300  
Honolulu, HI 96825  
FAX: (808) 397-2662

**DID YOU INCLUDE THESE?**

- ☒ Applicant CV/Resume/Biography
- ☒ Intended field Principal Investigator CV/Resume/Biography
- ☒ Electronic and Hard Copy of Application with Signature
- ☐ Statement of information you wish to be kept confidential
- ☐ Material Safety Data Sheets for Hazardous Materials



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF AQUATIC RESOURCES  
1151 PUNCHBOWL STREET, ROOM 330  
HONOLULU, HAWAII 96813

July 22, 2011

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT


GUY KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

TO: Division of Aquatic Resources File

THROUGH: William J. Aila, Jr., Chairperson

FROM:  Francis Oishi  
Division of Aquatic Resources

SUBJECT:

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT  
UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR  
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT EDUCATION PERMIT TO OSCAR  
VALENZUELA, HAWAII NEWS NOW, FOR ACCESS TO STATE WATERS TO CONDUCT FILMING  
ACTIVITIES UNDER PERMIT PMNM-2011-019.

The following permitted activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title:

Papahānaumokuākea Marine National Monument Education Permit to Oscar Valenzuela, Hawaii News Now, for Access to State Waters to Conduct Filming Activities

Permit Number: PMNM-2011-019

Project Description:

The research permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters from August 1, 2011 through September 30, 2011.

The Applicant proposes to collect video footage through the use of snorkeling or SCUBA to gather the content necessary to produce news features and a ½ hour special about Papahānaumokuākea Marine National Monument. This programming would be produced by Hawaii News Now (television stations, KGMB, KHNL, KFVE).

The proposed work would reach audiences within the State of Hawaii, potentially educating households on topics relating to the 10<sup>th</sup> anniversary of Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Midway's seabird rookery, marine alien species, fish connectivity and

disease, top predator movements, maritime heritage management and research, coral disease, the R/V Hi'ialakai, and ecosystem-based management within a co-trustee management framework.

The proposed activities are in direct support the Monument Management Plan's priority management needs through action plan 3.5.2 – Constituency Building and Outreach. The Constituency Building and Outreach Action Plan specifies to support efforts to broaden knowledge of and appreciation for Monument resources. Activities to support outreach, including “bringing the place to the people” through filmmaking and photography, such as those to be carried out by the permittee, are addressed in the Monument Management Plan Environmental Assessment. This EA summarizes that engaging Monument constituencies through integrated communications and interactive experiences could result in a beneficial effect on the Monument's natural resources because Monument staff, MMB agencies and members of the Council would be able to more easily provide input from stakeholders and to share information that might be useful in managing natural resources and supporting future programs (PMNM MMP Vol 2, p.170).

Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 10th, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Exemption Determination:

After reviewing HAR § 11-200-(8), including the criteria used to determine significance under HAR § 11-200-12, DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this permit, including filming at different locals within the Monument, have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project must be grouped together and evaluated as a single action. HAR § 11-200-7. This permit does not involve an activity that is precedent to a later planned activity.

2. The Exemption Class for Basic Data Collection with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and section 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. specifically exempts the class of actions which involve “basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource.” This exemption class has been interpreted to include photographing and recording activities, such as those being proposed.

The proposed filming and photography activities here appear to fall squarely under the exemption class #5, exempt item #4 as described under the former Fish and Game Division exemption list published in January 19, 1976. Filming and photography are considered data collection. As discussed below, no significant disturbance to any environmental resource is anticipated in either the filming or photographing of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if “the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.” HAR § 11-200-8.B. To gauge whether a significant impact or effect is probable, an exempting agency must consider every phase of a proposed action, any expected primary and secondary consequences, the long-term and short-term effects of the action, the overall and cumulative effect of the action, and the sum effects of an action on the quality of the environment. HAR § 11-200-12. Examples of actions which commonly have a significant effect on the environment are listed under HAR § 11-200-12.

Since the designation of the Monument, five filming and photography projects have been undertaken to date in State waters. There were no deleterious effects from the previous projects. Permittees conducting these activities are always escorted while in the field and no collections are allowed. With this in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities will be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any anticipated indirect or cumulative impacts, nor did it raise any cultural concerns, that would occur as a result of these activities.

The activities would be conducted from the NOAA Ship HI'IALAKAI (PMNM-2011-009) during its September cruise. The following table lists additional activities that are anticipated to take place on this cruise pending approval of permit applications.

**Table 1. Concurrent Projects Aboard NOAA SHIP HI'IALAKAI**

<b>Permit</b>	<b>Purpose and Scope</b>	<b>Location</b>
PMNM-2011-009 NOAA Ship HI'IALAKAI	The permit allows NOAA Ship HI'IALAKAI entry into PMNM. Personnel aboard the vessel will be permitted under separate permits.	All locations
PMNM-2011-025 Bowen (proposed)	The proposed action is to allow collection of specific reef fish, invertebrate and algal species	All locations

<b>Permit</b>	<b>Purpose and Scope</b>	<b>Location</b>
PMNM-2011-018 Meyer (proposed)	The proposed action is to allow collection of reef fish and tagging of top predators as well as acoustic receiver deployment	All locations
PMNM-2011-026 Rossiter (proposed)	The proposed action is to allow collection of live coral and fish.	All locations
PMNM-2011-038 Nakamoto (proposed)	The proposed action is to allow filming for Hawaii Skin Diver publications	All locations
PMNM-2011-042 Kosaki (proposed)	The proposed action is to allow collection of unidentifiable specimens located on deep reefs	All locations
PMNM-2011-024 Gleason (proposed)	The proposed action is to survey and monitor maritime heritage sites	All locations

This is one of two filming activities proposed. Although all of these proposed filming activities have the general purpose of to increasing public awareness of the Monument, the intended audience of each of these activities would differ. Nakamoto (PMNM-2011-038) is proposing to target specifically free diving audiences through the television program “Hawaii Skin Diver” and in print within both “Skin Diver Magazine” and “Lawai’a” with images of marine and birdlife in situ. This Applicant would be filming for the general audience within the State of Hawaii with the purposes of highlighting the major milestones, the important resources and their threats, the current research and management, and challenges. As the target audiences of these proposed activities for the most part differ, it is concluded that there is no significant cumulative impact. Furthermore, any overlap in educating the public about Monument resources should be viewed as a positive outcome and should not be discouraged. As such, there is no significant cumulative impact when reviewing both filming activities taking place during the proposed timeline.

The culmination of these permits, and their disparate activities, occurring throughout the Monument over a 4-week period, is not anticipated to have significant cumulative impacts. The NOAA Ship OSCAR ELTON SETTE (PMNM-2011-008) may also be in the Monument during this time frame facilitating needs of the monk seal camps under the management permit (PMNM-2011-001).

Since no significant cumulative impacts or significant impacts with respect to any particularly sensitive aspect of the project area are anticipated, the categorical exemptions identified above should remain applicable.

#### 4. Overall Impacts will Probably be Minimal and Insignificant.

Again, any foreseeable impacts from the proposed activity will probably be minimal, and further mitigated by general and specific conditions attached to the permit. Specifically, all research activities covered by this permit will be carried out with strict safeguards for the natural, historic, and cultural resources of the Monument as required by Presidential Proclamation 8031, other applicable law and agency policies and standard operating procedures.

Conclusion. Upon consideration of the permit to be approved by the Board of Land and Natural Resources, the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR, have been determined to be of probable minimal or no significant effect on the environment and exempt from the preparation of an environmental assessment.

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William J. Aila, Jr.  
Chairperson, Board of Land and Natural Resources

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